

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK**

MARK A. FAVORS, et al.

Plaintiffs,

V.

ANDREW M. CUOMO, et al.

Defendants.

Case: 1:11-cv-05632-DLI-RLM
ORAL ARGUMENT REQUESTED
Date of Service: December 12, 2011

**NOTICE OF CERTAIN DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' COMPLAINT OR, IN THE ALTERNATIVE, TO STAY THIS CASE**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 12(b)(1) and Local Rule 7.1(a)(1), Defendants Dean G. Skelos, Sheldon Silver, John J. McEneny, Roman Hedges, Michael F. Nozzolio, and Welquis R. Lopez respectfully move to dismiss Plaintiffs' Complaint or, in the alternative, to stay the proceedings in this case pending action by the New York Legislature. As explained in the accompanying Memorandum, Plaintiffs' Complaint alleging an impasse in New York's redistricting of its State Assembly, State Senate, and Congressional districts is unripe, and principles of federalism and comity require this Court to accord the Legislature sufficient time to perform its constitutionally delegated redistricting function before intervening in this matter. Therefore, the Court should dismiss Plaintiff's Complaint or, in the alternative, stay the proceedings in this case.

Dated: December 12, 2011

Respectfully submitted,

/s/Michael A. Carvin

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CERTIFICATE OF SERVICE

I hereby certify that, on this 12th day of December, 2011, a true and correct copy of the foregoing was served on the following counsel of record through the Court's CM/ECF system:

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